

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN and COLLEEN MCCORMICK,

2:09-CV-2331 JCM (PAL)

Plaintiffs,

V.

EXECUTIVE TRUSTEE SERVICES, et al.,

Defendants.

ORDER

Presently before the court is plaintiff's motion for the court to reconsider the order (doc #56) granting defendants motion to dismiss (doc. #47). (Doc. #58). The defendant responded (doc. #60), and the plaintiff replied (doc. #61).

“Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *see* Fed. R. Civ. P. 59(e); *see also* Fed. R. Civ. P. 60(b).

The plaintiff fails to present any new law, new facts, or new evidence indicating that any of the circumstances enumerated by the Ninth Circuit are present here warranting reconsideration or any other relief.

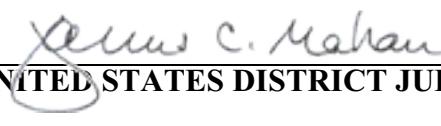
Accordingly,

1

11

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the plaintiff's motion for
2 the court to reconsider the order granting defendants motion to dismiss (doc. #58), be and the same
3 hereby is, DENIED.

4 DATED October 22, 2010.

5 
6 **UNITED STATES DISTRICT JUDGE**
7

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28